GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants –A.P. State Disaster Response & Fire Services Department-- Allegation of corruption against Sri Banavathu Veerabhadra Rao S/o late Lal Singh, age 47-yrs, Asst. District Fire Officer, Prakasam Dist., Ongole - Connivance with Sri Morla Venkata Subba Rao, SFO, Ongole in demanding and accepting the bribe amount which was perpetrated through Sri Morla Venkata Subba Rao, SFO, Ongole who was trapped on 01.08.2017– Sanction of Prosecution – Orders – Issued.

HOME (SC-B) DEPARTMENT

G.O.MS.No. 132 Dated: 11-10-2019.

ORDER:-

Whereas, Sri Banavathu Veerabhadra Rao S/o late Lal Singh, age 47-yrs, worked as Asst. District Fire Officer, Prakasam Dist., Ongole from 15.06.2017 to 01.08.2017. By virtue of the post held by him, Sri Banavathu Veerabhadra Rao under the category of a Public Servant as defined under section 2 (C) of Prevention of Corruption Act, 1988 [Act No.49 of 1988].

2. And Whereas, Sri Mokkapati Jitendra Venkata Srinivas S/o Srirama Chandra Murthy, age 36 yrs, Manager, Vijaya Hospitals, Ongole is the complainant in this case. On 29.07.2017 at 11-00 hrs, the complainant Sri Mokkapati Jitendra Venkata Srinivas came to the O/o the DSP, ACB, Ongole and presented report stating that the Complainant has been working as Manager of Vijaya Hospitals, Ongole. He looks after the personal affairs of Dr. S. Vijaya Ragahava Rao, Managing Director, Vijaya Hospitals and the hospital maintenance affairs as well. In June-2014, they applied for the occupancy No-objection certificate from State Disaster response and fire service department for Vijaya Hospitals and the then Regional Fire officer, Southern Region, Hyderabad had issued occupancy No-objection certificate on 31.12.2014. Later on, they obtained renewal occupancy No-objection certificate from the District Fire officer, Prakasam district, Ongole for last year. On 31.12.2016, they once again applied for renewal of occupancy No-objection certificate for the year- 2017 by enclosing a challan for Rs.10,000/-, but, the Inspection Committee has not inspected their hospital till April-2017, despite repeated requests at an early date. In April-2017, When, he met the Station Fire officer, Ongole in his office near Gopi theatre, Ongole, he suggested to pay the requisite fees through mee-seva and submit application afresh. Accordingly, on 10.04.2017, he paid Rs.10,350/- and applied afresh through Mee-seva. Thereafter in June- 2017, the inspection Committee has inspected their hospital and during their inspection they found fault with the fire alarming system and suggested to rectify the same. Accordingly, they rectified the same. About 15 days before prior to the report he met Sri M.V. Subbarao, Station Fire officer, Ongole in his office and informed him about the rectification of fire alarming system and requested him to issue renewal occupancy No-objection certificate at an early date. At that juncture, Sri M.V. Subbarao said that he and the Asst. District Fire officer Banavathu Veera Bhadra Rao have to give their report, following which the District Fire officer Sri C. Peddi Reddy will issue the proceedings with regard to renewal occupancy No-objection certificate of their Hospital and then he will hand over the proceedings to them and for all said things they need to pay Rs.50,000/- as bribe and the amount is not for him alone but would be distributed among himself, Banavathu Veera Bhadra Rao, Asst. District Fire officer and District Fire officer. He then said that he was not interested in paying the bribe amount and informed to Sri Subbarao that he will talk to Dr. S. Vijaya Ragahava Rao in this regard and come back to him later. Later, he informed about the demand of bribe to Dr. Vijaya Ragahava Rao and he too did not evince interest in paying the bribe amount and said that they will think about it, if need be, but not otherwise. On 25.07.2017, he once again met Sri M.V. Subbarao, Station Fire officer, Ongole in his office and requested him to issue renewal occupancy No Objection Certificate for which Sri Subbarao reiterated his earlier demand. The complainant said that he still needs to discuss about the same with Dr.Vijaya Raghava Rao. Sri M.V. Subba Rao, Station Fire officer, Ongole then instructed him to take another challan for Rs.773/- for formal re-inspection and accordingly he took the challan on 27.07.2017. On the same day i.e. on 27.07.2017, he once again approached Sri M.V. Subbarao Station Fire officer, Ongole in his office, submitted the challan for Rs.773/- and requested him to issue renewal occupancy No-objection certificate for which Sri Subbarao said that the proceedings are being prepared, but their work will be materialized, provided they pay Rs.50,000/- bribe amount only. He then said that Rs.50,000/- was too big and bargained with him and finally

(Contd.2)

Sri M.V. Subbarao reduced the bribe amount to Rs.35,000/-. Having no other recourse, he agreed to pay the same and informed Sri M.V, Subbarao, Station Fire Officer that he will convey the matter to Dr. Vijaya Raghagava Rao and bring the amount in 4-5 days. Sri M.V. Subbarao then suggested to him to bring the amount and to give it in his office. Later, he informed about the matter to Dr. Vijaya Raghagava Rao and he was unwilling to offer the bribe amount. They both discussed about the same and came to a decision that to report the matter to ACB instead of paying the bribe amount. Dr. Vijaya Raghagava Rao gave him an authorization letter and suggested him to approach ACB officials and to give a report against Sri M.V. Subbarao Station Fire officer, Ongole for taking action against him.

3. And whereas, after due verification of the report, on 01.08.2017 at 10-00 AM, the Deputy Superintendent of Police, ACB, Ongole registered a case in Cr. No. 8/RCT-OGL/2017 Under section 7 of the Prevention of Corruption Act, 1988 of ACB, Prakasam District, Ongole and took up investigation. On 01.08.2017 from 10-15 AM to 11-15 AM, the DSP, ACB, Ongole conducted pre-trap proceedings in the O/o the DSP, ACB, Ongole in the presence of two mediators, Inspectors, Staff and complainant. All the required procedural formalities to be observed were complied with.

4. And whereas, on 01.08.2017 at about 12-15 noon, the Station Fire Officer Sri Morla Venkata Subbarao was caught red-handed in the O/o the Station Fire officer, Ongole situated in the premises of Assistant District Fire office, Prakasam district, Ongole when he demanded and accepted the bribe amount of Rs.35,000/- from the complainant Sri Mokkapati Jitendra Venkata Srinivas S/o Srirama Chandra Murthy, age 36 yrs, Manager, Vijaya Hospitals, Ongole. Sri M.V. Subba Rao received the bribe amount with his right hand and counted the same with both his hands. Thus the colour test conducted on both hand fingers of M.V. Subba Rao yielded positive result and M.V. Subba Rao voluntarily produced from left side front pocket of M.V. Subba Rao's trousers and the same was seized and when the inner linings was tested in the sodium carbonate solutions it was also yielded positive result. During the course of post trap proceedings, Sri M.V. Subba Rao, Station Fire Officer gave his version stating that after receiving the bribe amount from Sri Mokkapati Jitendra Venkata Srinivas they entered into the room of Assistant District Fire Officer Banavathu Veerabhadra Rao along with the file and informed him that the bribe amount was paid and the same was received by him and after that Sri Babavathu Veerabhadra Rao took the file pertaining to the renewal occupancy no objection certificate of Vijaya Hospital Ongole for the year 2017 and made some corrections in one of the draft inspection committee report and put the date as 02.08.2017 in the proceedings in Rc.No.02/DFO/PKM/2015 and informed to Sri Mokkapati Jitendra Venkata Srinivas that the fair copies will be prepared by the next day and he will get the signature of the District Fire Officer C. Peddi Reddy who is going to attend his duties by 02.08.2017 and will forwarded the same file to the Regional Fire Officer, Vijayawada for issuance of renewal occupancy no objection certificate of Vijaya Hospital, Ongole for the year 2017. Sri M.V. Subba Rao further stated that the amount received will be shared equally among himself, Banavathu Veerabhadra Rao and C. Peddi Reddy District Fire Officer, Ongole.

5. And whereas, the draft copy of inspection committee report which bears the signature of DFO alone and without the signature of Sri M.V Subba Rao and Sri Banavathu Veerabhadra Rao at the relevant places. It is also borne out by the said report that the Sri Banavathu Veerabhadra Rao made some corrections in the draft report. Sri Mokkapati Jitendra Venkata Srinivas also testified the version given by M.V. Subba Rao. Thus it is amply established prima facie that Banavathu Veera Bhadra Rao opted corrupt practices and connived with M.V. Subba Rao in receiving the bribe amount from Sri Mokkapati Jitendra Venkata Srinivas.

6. And whereas, during the course of investigation, it was revealed that Sri Banavathu Veerabhadra Rao, Asst. District Fire Officer who worked as thus from 15.06.2017 to 01.08.2017, having acted as FAC DFO, Prakasam district in the proximate time of trap and having the authenticity to forward the inspection committee report pertaining to renewal occupancy NOC of M/s Vijaya Hospitals, Ongole to the Regional Fire officer, Vijayawada did not do so and kept the file pending till 01.08.2017 ie till Sri Morla Venkata Subba, Station Fire officer, Ongole received the bribe amount from the complainant, without any valid reason. On 01.08.2017, after learning from Sri Morla Venkata Subba Rao, Station Fire officer, Ongole that the complainant Sri Mokkapati Jitendra Venkata Srinivas gave the bribe amount of Rs.35,000/-, Sri Banavathu Veera Bhadra Rao, then made some corrections in the draft inspection report and further assured the complainant M.J.V. Srinivas that the fair copies of the Inspection Committee report will be prepared on the next day ie. on 02.08.2017, which will be signed by the Inspection Committee members including Sri C. Peddi Reddy, District Fire officer, Prakasam district,

(Contd.3)

Ongole who was expected to report for duty on 02.08.17 and will be immediately sent to the RFO, Vijayawada. Thus, it is proved that Sri Banavathu Veera Bhadra Rao, Asst. District Fire Officer has knowledge about the bribe amount demanded and accepted by Sri Morla. Venkata Subba Rao, Station Fire officer, Ongole and kept the file pertaining to M/s Vijaya Hospitals, Ongole for want of bribe amount only. Sri Banavathu Veera Bhadra Rao, Asst. District Fire Officer, Prakasam Dist., Ongole had abused his official position, opted to corrupt and illegal means, connived with SFO Sri M.V. Subbarao with a common intention of obtaining Rs.35,000/- as illegal gratification from the complainant Sri Mokkapati Jitendra Venkata Srinivas which was perpetrated through SFO Sri M.V. Subbarao and thereby gained pecuniary advantage and thus his act constitutes an offence punishable Under section 7 and 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 (Act No.49 of 1988) & section 34 of the Indian Penal Code, 1860 (Act No.45 of 1860.

7. And whereas, the Government of Andhra Pradesh, Amaravathi being the competent authority to remove the said Sri Banavathu Veera Bhadra Rao, S/o late Lal Singh, age 47-yrs, Asst. District Fire Officer, Prakasam Dist., Ongole who worked as thus from 15.06.2017 to 01.08.2017, from his service, after fully and carefully examining the material (i.e., Final Report, copy of the F.I.R., copies of the Mahazars, gist of the statement of the witnesses and other documents placed before the Government in respect of the aforesaid allegations and having satisfied with regard to the circumstances of the case consider that the above said Sri Banavathu Veera Bhadra Rao, S/o late Lal Singh, age 47-yrs, Asst. District Fire Officer, Prakasam Dist, Ongole who worked as thus from 15.06.2017 to 01.08.2017, should be prosecuted in a Court of Law for the above said offences.

8. Now, therefore in exercise of the powers conferred by Clause (b) of Sub-section (1) of section 19 of the Prevention of Corruption Act, 1988, read with section 197 of the Criminal Procedure Code, 1973 (Act No.2 of 1974), the Government of Andhra Pradesh, Amaravati, hereby accorded sanction for the prosecution of the said Sri Banavathu Veera Bhadra Rao, S/o late Lal Singh, age 47-yrs, Asst. District Fire Officer, Prakasam Dist., Ongole who worked as thus from 15.06.2017 to 01.08.2017, for the offences punishable Under section 7, 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 [Act No.49 of 1988] & section 34 of the Indian Penal Code 1860 [Act No.45 of 1860] and for any sections being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(K.R.M. KISHORE KUMAR)
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General,
Anti-Corruption Bureau,
Andhra Pradesh,
Vijayawada.
Copy to:-
Law (C) Department.